

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hallenbeck, et al.	Docket No:	3802-165-27 (306229-327)
Serial No.:	10/553,459	Int'l App. No.	PCT/US04/11622
Confirmation No.:	6977	I.A. Filing Date	April 15, 2004
For:	FLAP ENDONUCLEASE I (FEN1) REGULATORY SEQUENCES AND USES THEREOF	Examiner:	To be assigned

DECLARATION UNDER 37 C.F.R § 1.47 (a)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jessica N. Cecena , do hereby declare and state that:

1. I have first hand knowledge of the following statement of facts, which are pertinent to the inability to procure a signed Declaration from the non-signing inventor, Garret Hampton, of the above-referenced patent application.
2. The last known address for Garret Hampton is as follows:

5362 Caminito Vista Lujo
San Diego, CA 92130
3. The following steps have been taken in an effort to procure Garret Hampton's signed Declaration:
 - a) A package including a copy of the inventor's Declaration and Assignment was sent to Garret Hampton's last known address for his signature on September 22, 2006 and returned no response.

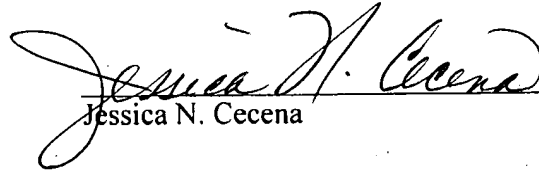
b) Reminder e-mails were sent to Garrett Hampton's last known email address on October 19, 2006 and November 2, 2006, and returned no response.

4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Furthermore, I am aware that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-captioned patent application, and any patent issuing thereon.

Date:

Nov. 15, 2006

Signed:


Jessica N. Cecena

Jessica Cecena

From: Jessica Cecena
Sent: Thursday, November 02, 2006 11:25 AM
To: 'ghampton@celgene.com'
Subject: Follow-up - patent application documents

Hi Garret

This is a follow-up to my previous e-mail below regarding the patent application case for invention entitled "**FLAP ENDONUCLEASE I (FEN1) REGULATORY SEQUENCES AND USES THEREOF**".

We are moving forward with the prosecution of this patent application. Please complete and return via Fed Ex the attached documents to my attention by November 10. Our Fed Ex account number is 1332-3715-1.

Please let me know if you have any questions or concerns about signing these documents.

Thank you for your cooperation.

Jessica N. Cecena
Patent & Contract Administrator
Cell Genesys, Inc.
500 Forbes Boulevard
South San Francisco, CA 94030
Direct: 650.266.3005
Fax: 650.266.2940
E-mail: jessica.cecena@cellgenesys.com

-----Original Message-----

From: Jessica Cecena
Sent: Thursday, October 19, 2006 3:23 PM
To: 'ghampton@celgene.com'
Subject: Patent Application documents

Dear Garret,

I'm following up on a Federal Express package sent to you on September 22, containing Declaration and Assignment documents related to the below mentioned patent application case. To date, we have not received the documents back and the deadline to file these documents with the US Patent Office is near.

Invention entitled: FLAP ENDONUCLEASE I (FEN1) REGULATORY SEQUENCES AND USES THEREOF

US Patent Application Serial No.: 10/553,459

Inventors: Paul Hallenbeck, Garret Hampton, Carl Hay, Ying Huang, John Jakubczak, Sandrina Phipps

Attached are PDFs of the Declaration and Assignment. The Assignment needs to be signed in the presence of a Notary Public. We would appreciate your cooperation in completing the documents and returning them to us as soon as possible. Please return them via Fed Ex using our corporate account 1332-3715-1.

Thanks again for your cooperation.

EXHIBIT A

11/2/2006

Sincerley,
Jessica N. Cecena
Patent & Contract Administrator
Cell Genesys, Inc.
500 Forbes Boulevard
South San Francisco, CA 94030
Direct: 650.266.3005
Fax: 650.266.2940
E-mail: jessica.cecena@cellgenesys.com

CELL GENESYS

Direct Dial: (650) 266-3005

Fax No.: (650) 266-2940

E-Mail: Jessica.Cecena@cellgenesys.com

September 22, 2006

Garret Hampton
5362 Caminito Vista Lujo
San Diego, CA 92130

Re: U.S. Patent Application No.: 10/553,459
for: *"Flap Endonuclease 1 (FEN1) Regulatory Sequences and Uses Thereof"*
by: Paul Hallenbeck, Garret Hampton, Carl Hay, Ying Huang, John Jakubczak,
Sandina Phipps
Our ref: GTI 021.2 US

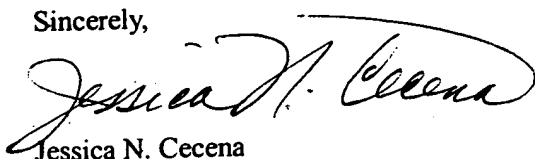
Dear Garret,

Enclosed for your signature are Declaration and Assignment of Application forms for the above-referenced patent application. Please sign and date both forms in BLUE ink. ONLY the Assignment needs to be notarized. After signing, please return them to me via the enclosed pre-stamped envelope. Please include the receipt for the Notary Public fee for reimbursement.

The deadline for filing this Declaration with the US Patent Office is October 23, 2006, so please send it back to my attention October 13.

Please do not hesitate to contact me at (650) 266-3005 or at Jessica.Cecena@cellgenesys.com if you have any further questions or need additional information regarding this matter.

Sincerely,



Jessica N. Cecena
Patent & Contracts Administrator

Enclosures

EXHIBIT B

From: Origin ID: (650)266-3096
Jessica Cecena
Cell Genesys
500 Forbes Blvd.

South San Francisco, CA 94080



CL8032506/17/22

SHIP TO: (000)000-0000

BILL SENDER

Garret Hampton

5362 Caminito Vista Lujo

San Diego, CA 92130

Ship Date: 22SEP06
ActWgt: 1 LB
System#: 1246336/INET2500
Account#: S *****

REF: 830



Delivery Address Bar Code

**** 2DAY ****

TUE

Deliver By:
26SEP06

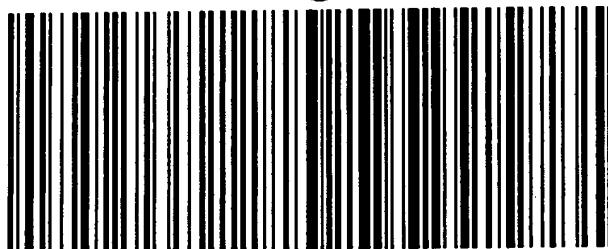
TRK# 7900 7794 5145

FORM
0201

SAN A2

92130 -CA-US

SB SANA



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.